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STANLEY *v.* COMMONWEALTH.

Dec. 3, 1908.

[63 S. E. 10.]

1. Criminal Law (§ 935*)—New Trial—Verdict Contrary to Evidence.—A motion for a new trial after a conviction of murder upon conflicting testimony of eyewitnesses is properly denied by the trial court.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 2297; Dec. Dig. § 935.*]

2. Criminal Law (§ 651*)—Trial—View and Inspection.—The purpose of a view is not to supply evidence, but to enable the jury to apprehend it.

[Ed. Note.—For other cases, see Criminal Law, Cent. Dig. § 1517; Dec. Dig. § 651.*]

3. Criminal Law (§ 1152*)—Appeal—Review—Discretion.—The discretion of the trial court in refusing a view of the premises by the jury cannot be controlled by the appellate court, unless it plainly appears from the record that a view was necessary to enable the jury to apprehend the evidence.

[Ed. Note.—For other cases, see Criminal Law, Dec. Dig. § 1152.*]

4. Homicide (§ 260*)—Trial—View of Place of Homicide.—Where a diagram of the dwelling in which the homicide occurred was produced and clearly explained, the court did not abuse its discretion in refusing a view of the premises.

[Ed. Note.—For other cases, see Homicide, Cent. Dig. § 555; Dec. Dig. § 260.*]

NASH ET AL. *v.* YELLOW POPLAR LUMBER CO.

Dec. 3, 1908.

[63 S. E. 14.]

1. Deeds (§ 208*)—Sufficiency of Evidence—Delivery.—In an action for partition, evidence held to show that a deed previously executed by plaintiff had been delivered to the grantee, divesting plaintiff of all interest in the property.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. § 625; Dec. Dig. § 208.*]

2. Evidence (§ 210*)—Admissions Against Interest—Deposition in Other Action.—In an action for partition, plaintiff's deposition, in another action, that he had executed and delivered a deed for the premises in controversy, was admissible as an admission against his

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.